

AMENDED IN SENATE JUNE 4, 2012

AMENDED IN ASSEMBLY APRIL 13, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 511

Introduced by Assembly Member Yamada
(Principal coauthor: Assembly Member Halderman)

February 15, 2011

An act to add *and repeal* Section 21417-~~to~~ of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

AB 511, as amended, Yamada. Aeronautics: meteorological towers.

(1) Existing law, the State Aeronautics Act, governs aeronautics in this state. One of the purposes of the act is to further and protect the public interest in aeronautics and aeronautical progress by fostering and promoting safety in aeronautics.

This bill, *until January 1, 2018*, would require a meteorological tower, as defined, to be marked as prescribed *if the tower is located on prime agricultural land, as defined, or is within one mile of prime agricultural land, and erected after January 1, 2013. The bill would authorize a local agency to incorporate the prescribed markings into any applicable land use permit the agency administers. The bill would prohibit these provisions from being construed as authorizing a local agency to require a new permit that applies to a meteorological tower. The bill also would require these provisions to supersede any conflicting local permitting requirements.*

Because any violation of the State Aeronautics Act is a crime and the provisions of the bill would be within the act, this bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21417 is added to the Public Utilities
2 Code, to read:

3 21417. (a) As used in this section, the following terms have
4 the following meanings:

5 (1) "Meteorological instrument" means an instrument for
6 measuring and recording the speed of the wind.

7 (2) "Meteorological tower" means a structure, including all guy
8 wires and accessory facilities, on which a meteorological
9 instrument is mounted for the purposes of documenting whether
10 a site has wind resources sufficient for the operation of a wind
11 turbine generator.

12 (3) "*Prime agricultural land*" means land that satisfies the
13 requirements of paragraph (1), (2), or (4) of subdivision (c) of
14 Section 51201 of the Government Code.

15 (b) A meteorological tower below 200 feet in height and above
16 50 feet in height *that is located on prime agricultural land, or*
17 *within one mile of prime agricultural land, and erected after*
18 *January 1, 2013*, shall be marked as follows:

19 (1) The full length of the meteorological tower shall be painted
20 ~~seven~~ *in* equal, alternating bands of aviation orange and white,
21 beginning with orange at the top of the tower and ending with
22 orange at the bottom of the marked portion of the tower. *The bands*
23 *shall be between 20 and 30 feet in width.*

24 ~~(2) Two marker balls shall be attached to and evenly spaced on~~
25 ~~each of the outside guy wires.~~

26 ~~(3) The area surrounding each point where a guy wire is~~
27 ~~anchored to the ground shall have a contrasting appearance with~~

1 any surrounding vegetation. If the adjacent land is grazed, the area
2 surrounding the anchor point shall be fenced. For the purposes of
3 this paragraph, “area surrounding the anchor point” means an area
4 not less than 64 square feet whose outer boundary is at least four
5 feet from the anchor point.

6 (2) *Two or more high visibility spherical marker balls, also*
7 *called cable balls, that are aviation orange shall be attached to*
8 *each outside guy wire that is connected to a meteorological tower.*

9 (4)
10 (3) One or more seven-foot *high visibility* safety sleeves shall
11 be placed at each anchor point and shall extend from the anchor
12 point along each guy wire attached to the anchor point.

13 ~~(5) A red flashing obstruction light shall be affixed to the highest~~
14 ~~point on the tower and operate continuously, or at a minimum,~~
15 ~~when the northern sky illuminance reaching a vertical surface falls~~
16 ~~below 35 foot-candles (367.7 lux).~~

17 (c) *A light may be affixed to the highest point on a*
18 *meteorological tower as an additional option for the marking of*
19 *the meteorological tower.*

20 (d) (1) *A local agency may incorporate any requirements of*
21 *this section into any applicable land use permit that the agency*
22 *administers.*

23 (2) *This section shall not be construed to authorize a local*
24 *agency to require a new permit that applies to a meteorological*
25 *tower.*

26 (3) *To the extent that the requirements of this section conflict*
27 *with local permitting requirements, the requirements of this section*
28 *shall supersede those permitting requirements.*

29 (e) *This section shall remain in effect only until January 1, 2018,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2018, deletes or extends that date.*

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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